

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF OCTOBER 21, 2005

(Published October 29, 2005, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

October 21, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, President Ostrow.

Lilligren moved adoption of the agenda. Seconded.

Niziolek moved to amend the agenda by adding motions to consider the Restaurant license application for Java J's, 700 Washington Ave N. Seconded.

Adopted upon a voice vote.

Absent – Johnson Lee, Schiff.

The agenda, as amended, was adopted 10/21/05.

Absent – Johnson Lee, Schiff.

Lilligren moved acceptance of the minutes of the regular meeting held October 7, 2005. Seconded.

Adopted upon a voice vote 10/21/05.

Absent – Johnson Lee, Schiff.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 10/21/05.

Absent – Johnson Lee, Schiff.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270725)

Heritage Park Project and Financing: Update

COMMUNITY DEVELOPMENT See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270726)

Sale of Properties: 900 Washington Av S & 901 & 911 2nd St S (Mills District, Parcel F), 2440 Portland Av S and 2826 Park Av S (Model Cities), 2305-09 5th Av S (Model Cities), 3351 Fremont Av N (Greater Metropolitan Housing Corporation Century Homes Program), 2606 17th Av S (Model Cities).

Minnesota Shubert Performing Arts & Education Center (Shubert Theater): Authorize execution of a two-year extension to Ground Lease and Purchase Option Agreement for property at 516 Hennepin Av.

HOMS Development Subsidy Fund: Release of remaining CDBG fund balance for projects in the Midtown Phillips Neighborhood.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270727)

Environmental Remediation Grant Applications, Fall 2005: Submission of applications for Metropolitan Tax Base Revitalization Account Grants, Minnesota Department of Employment and Economic Development Grants, and Hennepin County Environmental Response Fund Grants.

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (270728)

Emergency Preparedness: Quarterly Update Report.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (270729)

"Steps to a Healthier Minneapolis" Project: Accept \$712,500 and execute contract with Minnesota Department of Health to address and target populations in City that have the greatest need or are most vulnerable to diabetes, obesity and asthma; and Approve appropriation.

Covering All Kids Project: Extend termination date for use of Robert Wood Johnson Foundation grant funds to December 31, 2005.

Family Support Specialist III - Regional Preparedness Coordinator: Authorize hire Laura Eiklenborg at Step 5.5 of salary schedule.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (270730)

Police Community Relations Council: Remarks by Chief McManus.

REGULATORY SERVICES (270731)

Traffic Control Transfer to Police Department: Draft Memorandum of Understanding.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

FIRE DEPARTMENT (270732)

Fire Suppression Equipment Fees/Permits: Ordinances repealing language regarding current fire suppression equipment fees; and establishing new permit fees: a) Title 5, Chapter 91 relating to Building Code: Permit Fees, repealing Article XII entitled Fire Suppression Equipment Fees; b) Title 9, Chapter 174 relating to Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau, adding a new Article III entitled Fire Protection Systems Permit Fees.

LICENSES AND CONSUMER SERVICES (270733)

El Nuevo Rodeo Nightclub and La Quebradita Restaurant (2709 E Lake St): Consider adverse action with respect to All Night Special Food License.

LICENSES AND CONSUMER SERVICES (270734)

Licenses: Applications.

POLICE DEPARTMENT (270735)

Service of Outdoor Beverages: Ordinance amending Title 14, Chapter 360 of Code relating to Liquor and Beer: In General, allowing malt beverages to be served outside, in their original containers, until 11:00 p.m.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (270736)

Credit-Based Firefighter Training Programs: Issue Request for Proposals from institutions qualified to provide various credit-based firefighter training programs for employees of the Fire Department.

Structural Collapse Rescue Firefighting Training Programs: Amend report passed 7/22/05 to add a second Structural Collapse Technician class; and amend contract with Spec Rescue International to increase amount by \$49,750, for a total amount not to exceed \$136,000.

POLICE DEPARTMENT (270737)

Crime Prevention Services: Accept up to \$75,891 and execute grant agreement with Greater Minneapolis Council of Churches to support salary costs of two part-time Crime Prevention Specialists to work on improving neighborhood livability by reducing recidivism for ex-offenders, chronic offenders and youth on probation; and approve appropriation.

Speed Limit Enforcement Program: Accept grant award of \$3,000 and execute one-year agreement with Minnesota Department of Public Safety, State Patrol Division, to reimburse overtime costs to police officers for increased enforcement targeting speed violations and other enforcement to reduce accidents; and approve appropriation.

Detox Van Services: Execute contract with Hennepin County to continue providing detox van services in Minneapolis for calendar years 2006 through 2008.

Police Motorcycles: Execute contracts with Fairbault Harley-Davidson to provide 11 police-equipped motorcycles for Patrol.

REGULATORY SERVICES (270738)

Illicit Discharge Monitoring in Mississippi Watershed Management District: Execute agreement with Mississippi Watershed Management Organization to develop baseline data for the determination of illicit discharge.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (270739)

Quarterly Submittal of Traffic Zones, Restrictions, and Controls: Receive and file.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270740)

Public Sidewalk Repair and Construction: Adopt assessments; Comments.

Minnesota Environmental Initiative Grant: Accept \$9,300 grant to retrofit diesel trucks with oxidation catalytic mufflers.

Minneapolis Water Works Facility: Amend Contract C-19903 with Securitas Corporation to extend contract for armed security guards.

New Nicollet Mall (Washington Av S to 11th St S) Reconstruction Project: Adopt assessment roll for 2006 Special Service District.

Gopher State One-Call: Provide locating services to Redflex Traffic Systems.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (270741)

Riverfront (Guthrie) Municipal Ramp Construction: Approve change orders increasing contract with Guthrie Theater Foundation.

Overhead Traffic Signal Indications: Authorize agreement with Hennepin County to complete installation at Portland Av S and Minnehaha Pkwy; and Approve appropriation.

Overhead Traffic Signal Indications: Authorize agreement with Hennepin County to complete installation at (a) Cedar Av S and E 42nd St, (b) Cedar Av S and E 46th St, and (c) Penn Av S and Cedar Lake Rd; and Approve appropriation.

Water Treatment Plant Residual Lagoon 8: Execute change orders to contract with Landwehr Construction, Inc. to provide field modifications and installation of influent piping.

Bids: Accept a) OP #6487, bid of Yocum Oil Company, Inc. to furnish and deliver E-85 and E-70 gasohol; and b) OP #6501, low bid of Northern Air Corporation for mechanical upgrades at various Fire Department locations.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (270742)

Legal Settlement: a) Eddie Lee; and b) Xee Vang & Yue Yang.

City of Minneapolis v. Knutson Construction Services: Accept partial settlement from Knutson Construction Services as damages for alleged defective work at the Currie Maintenance Facility; Authorize the City Attorney's Office, by and through the law firm of Kennedy & Graven, to execute any documents necessary to effectuate the settlement.

CITY CLERK (270743)

New Appointments Ordinance: Ordinance amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances (Section 14.180).

COMMUNICATIONS (270744)

Utility Bill Insert: November 2005 insert on behalf of the Public Works Field Services providing information about 348-SNOW and language Snow Hotlines.

CONVENTION CENTER (270745)

Emergency Medical Services: Authorize contract with MedEvent, Inc. to provide emergency medical services for specific events at the Minneapolis Convention Center, effective January 1, 2006.

COORDINATOR (270746)

New Central Library Project: Artwork Fabrication & Installation; Authorize agreement with Ta-coumba Tyrone Aiken.

New Central Library Project - Change Orders: a) Change Order No. 3 to increase Contract Number C-20133 with HKL Cladding Systems, Inc.; b) Change Order No. 6 to increase Contract Number C-20306 with LeJeune Steel Company; and c) Change Order No. 8 to increase Contract Number C-20481 with PCL Construction Services.

EMERGENCY COMMUNICATIONS CENTER (ECC) (270747)

311 Call Center - Assistant Director: Authorize offer of a Step D of the Assistant Director, 311 Call Center salary schedule to finalist Donald Stickney.

FINANCE DEPARTMENT (270748)

Dexia Credit Local: Resolution authorizing amendment of the Standby Bond Purchase Agreements, amending the terms of the agreement, that provides liquidity facilities for the City's variable rate bonds.

PARK BOARD (270749)

Diseased Tree Removal Program: Resolution amending the 2005 Capital Improvement Appropriation to increase the appropriation to \$1,000,000; Resolution amending Resolution 2004R-581 to increase the request to the Board of Estimate and Taxation to incur indebtedness and issue and sell bonds by an additional \$500,000 for the Diseased Tree Removal Program.

POLICE DEPARTMENT (270750)

Cardiopulmonary Treadmill Test: Authorize issuance of RFP for cardiopulmonary exercise test program/treadmill/evaluation services.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (270751)

Appeal:

Floyd Olson, for TNT Properties, LTD (1626 E Lake St & 2940 S 17th Ave): Re conditional use permits, variances & site plan for multi-tenant commercial building & surface parking lot.

Rezoning:

Floyd Olson, for TNT Properties, LTD (1636 E Lake St & 2940 S 17th Ave); The Ackerberg Group (re Lumen on Lagoon, 2930 & 2936 Emerson Ave S); Jeff Sommers & Lara Hammel (3433 E 25th St & 2504-35th Ave S); David Barnhart (2929 University Ave SE & 3000-4th St SE).

Vacations:

City of Mpls (re Heritage Park drainage & utility easements in area bounded by Banneker Ave on north, 11th Ave on south, Humboldt Ave N on west and area bounded by Van White Memorial Blvd, 11th Ave N & Fremont Ave N.

PLANNING COMMISSION:

Powderhorn Residents Group, Inc. (270752)

Right-of-way Vacation: Bounded by Bloomington Ave, 16th Ave, E 24th St, & E 25th St. The east-west alley, and that part of the north-south alley within Block 4, Gilpatrick's Addition to Minneapolis which lies between the north line of the east-west alley and a line extending east from a point on the east line of Lot 7 located 19.00 feet north of the southeast corner of said Lot 7. For a 36 unit condominium project known as Village In Phillips, Phase II and a future 24-unit condominium.

MOTIONS (See Rep):

COUNCIL MEMBER LILLIGREN (270753)

Calendar for City Council meetings in 2006.

FINANCE DEPARTMENT (270754)

Supplemental Truth in Taxation Notice.

FILED:

MINNEAPOLIS FIREFIGHTERS RELIEF ASSOCIATION (270755)

2004 Annual Report and August, 2005 Articles of Incorporation and By-laws.

The following reports were signed by Mayor Rybak on October 26, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the City.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev – Your Committee recommends passage of the accompanying resolution approving the pass-through sale of the mined-underground space below 790 feet at 900 Washington Av S and 901 Second St S and approving the land sale of the mined underground space below 911 Second St S (911½ Second St S) which is part of the block known as Parcel F in the Mills District, to Sherman and Associates or an affiliated entity, subject to the terms set forth in Petn No 270726.

Your Committee further recommends approval of the clarification of terms for said pass-through land sale of the Hennepin County Regional Rail Authority property located at 900 Washington Av S and 901 Second St S and the mined underground space known as 911½ Second St S as set forth in Petn No 270726.

Adopted 10/21/05.

Resolution 2005R-567, authorizing the pass-through sale of the mined-underground space below 790 feet at 900 Washington Av S and 901 Second St S and approving the land sale of the mined underground space below 911 Second St S (911½ Second St S) which is part of the block known as Parcel F in the Mills District, to Sherman and Associates, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-567

By Goodman

Authorizing sale of land Parcel F Disposition Parcel No F (mined underground space)

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel F, in the Downtown East neighborhood, from Sherman Associates or affiliated entity, hereinafter known as the Redeveloper, the Parcel F (mined underground space), being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

See Exhibit A in Petn No 270726

Whereas, the Redeveloper has offered to pay the sum of \$2,520,000, for all of the Parcel F property (including mined underground space) to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 30, 2005, a public hearing on the proposed sale was duly held on October 11, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Parcel F plan, as amended, is hereby estimated to be the sum of \$2,520,000 for Parcel F.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 10/21/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the properties at 2440 Portland Av S for \$60,000 and 2826 Park Av S for \$45,000 to Willenbring Companies, Inc., subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 10/21/05.

Resolution 2005R-568, authorizing the sale of 2440 Portland Av S and 2826 Park Av S to Willenbring Companies, Inc., was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-568
By Goodman

Authorizing sale of land Model Cities Disposition Parcel No MC 118-5 and MC 244-6.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels MC 118-5 and MC 244-6, in the Phillips neighborhood, from Willenbring Companies, Inc., hereinafter known as the Redeveloper, the Parcels MC 118-5 and MC 244-6, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Parcel MC 118-5; 2440 Portland Av S

Lot 8, Block 2, except the North 3 ¼ feet thereof, Goodrichs Addition to Minneapolis.

Parcel MC 244-6; 2826 Park Av S

Lot 36, Auditor's Subdivision Number 215.

Whereas, the Redeveloper has offered to pay the sum of \$60,000 (2440 Portland Av S) and \$45,000 (2826 Park Av S), for Parcels MC 118-5 and MC 244-6 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcels; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 30, 2005, a public hearing on the proposed sale was duly held on October 11, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Model Cities plan, as amended, is hereby estimated to be the sum of \$60,000 (2440 Portland Av S) and \$45,000 (2826 Park Av S) for Parcels MC 118-5 and MC 244-6.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcels in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 10/21/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2305-2309 5th Av S to Hope Community, Inc. for \$72,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 10/21/05.

Resolution 2005R-569, authorizing the sale of 2305-2309 5th Av S to Hope Community, Inc., was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-569

By Goodman

Authorizing sale of land Model Cities Disposition Parcel No TF-192 & 606.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-192 & 606, in the Phillips neighborhood, from HOPE Community, Inc., hereinafter known as the Redeveloper, the Parcel TF-192 & 606, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 11, Block 1, Heaton & Combe's Addition.

Being registered land as is evidenced by Certificate of Title No. 1142779.

Lot 10, Block 1, Heaton & Combe's Addition.

Being registered land as is evidenced by Certificate of Title No. 1142780.

Whereas, the Redeveloper has offered to pay the sum of \$72,000, for Parcel TF- 192 & 606 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 30, 2005, a public hearing on the proposed sale was duly held on October 11, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Model Cities plan, as amended, is hereby estimated to be the sum of \$72,000 for Parcel TF-192 & 606.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 10/21/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 3351 Fremont Av N to The Greater Metropolitan Housing Corporation of the Twin Cities for \$27,500, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 10/21/05.

Resolution 2005R-570, authorizing the sale of 3351 Fremont Av N to The Greater Metropolitan Housing Corporation of the Twin Cities, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-570
By Goodman

Authorizing sale of land GMHC Century Homes Program Disposition Parcel No GC-279.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel GC-279, in the Folwell neighborhood, from The Greater Metropolitan Housing Corporation of the Twin Cities, hereinafter known as the Redeveloper, the Parcel GC-279, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 1, Block 3, Silver Lake Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$27,500, for Parcel GC-279 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 30, 2005, a public hearing on the proposed sale was duly held on October 11, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the GMHC Century Homes Program plan, as amended, is hereby estimated to be the sum of \$27,500 for Parcel GC-279.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 10/21/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2606 17th Av S to F&E Properties, LLC for \$22,000 contingent upon the developer submitting a modified house plan that meets the 22 foot width requirement to meet City code and subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 10/21/05.

Resolution 2005R-571, authorizing the sale of 2606 17th Av S to F&E Properties, LLC, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-571

By Goodman

Authorizing sale of land Model Cities Disposition Parcel No MC 194-30.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel MC 194-30, in the Phillips neighborhood, from F&E Properties, LLC, hereinafter known as the Redeveloper, the Parcel MC 194-30, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

The South ½ of Lot 2 and the North 5.6 feet of Lot 3, Block 1, Carpenter's Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$22,000, for Parcel MC 194-30 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 30, 2005, a public hearing on the proposed sale was duly held on October 11, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Model Cities plan, as amended, is hereby estimated to be the sum of \$22,000 for Parcel MC 194-30.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 10/21/05.

Comm Dev – Your Committee, having under consideration a request from Artspace Projects, Inc. for an extension of the ground lease for a portion on the property on which the Shubert Theater is located, now recommends that the proper City officers be authorized to execute a two-year extension (October 31, 2005 to October 31, 2007) to the Ground Lease and Purchase Option Agreement between the City and Artspace Projects, Inc. for the property at 516 Hennepin Av.

Adopted 10/21/05.

Comm Dev – Your Committee recommends approval of the request of the Midtown Phillips Neighborhood that Community Development Block Grant (CDBG) funding previously allocated to Southside Neighborhood Housing Services (no longer operating) in the amount of \$90,200 be reallocated to the HOMES development subsidy fund for use on other projects (subject to City Council approval).

Adopted 10/21/05.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

Comm Dev & W&M/Budget – Your Committee, having under consideration the submission of environmental remediation grant applications (Fall of 2005), now recommends passage of the accompanying resolution authorizing submission of applications as follows and in the priority ranking indicated:

Metropolitan Tax Base Revitalization Account Grant

Requests in Priority Order (top to bottom)

(There is no local match required for these grants.)

1. Midtown Exchange (supplemental)	\$ 500,000
2. Greenway Terrace (supplemental)	\$ 25,000
3. 718 Washington Avenue North	\$ 198,000
4. Washington Court Apartments	\$ 137,750
5. 38th & Nicollet	\$ 228,700
6. Humboldt Industrial Park	\$ 207,372
7. 2626 Lake St. W.	\$ 275,000
Total Metropolitan Council:	\$1,571,822

MN Department of Employment and Economic Development Grant

Requests in Priority Order (top to bottom)

(The local matches for these projects will come from developer's funds and/or from other grant funds, not from the City).

1. 718 Washington Avenue North	\$ 148,000
2. Washington Court Apartments	\$ 362,500
3. Humboldt Industrial Park	\$ 348,720
Total MN DEED	\$ 859,220

Hennepin County Environmental Response Fund Grant Requests

Requests in Priority Order (top to bottom)

(There is no local match required for these grants.)

1. Franklin-Portland Gateway Phase III (Wellstone)	\$ 20,000
2. Franklin-Portland Gateway Phase IV (Site C)	\$ 27,200
3. 718 Washington Avenue North	\$ 50,000
4. Washington Court Apartments	\$ 137,750
5. 38th & Nicollet	\$ 218,456
6. Humboldt Industrial Park	\$ 373,269
7. Minneapolis American Indian Center	\$ 31,941
8. NRRC – 1401 Plymouth Av N	\$ 96,000
9. 2626 Lake St. W.	\$ 275,000
Total Hennepin County ERF	\$1,229,615

Adopted 10/21/05.

Approved by Mayor Rybak 10/21/05.

(Published 10/25/05)

Resolution 2005R-572, authorizing application to the Metropolitan Council Tax Base Revitalization Account for various projects, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-572

By Goodman & Johnson

Authorizing application to the Metropolitan Council Tax Base Revitalization Account for various projects.

Whereas, the City of Minneapolis (the "City") was a participant in the Livable Communities Act's Housing Incentives Program for 2001-2002 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following clean-up projects within the City that meet the Tax Base Revitalization Account's purposes and criteria: Midtown Exchange (supplemental), Greenway Terrace (supplemental), 718 Washington Avenue North, 2626 Lake St. W., 38th & Nicollet, Humboldt Industrial Park, Washington Court Apartments; and

Whereas, the City intends to act as the legal sponsor for one or more of the above-referenced projects, which are more completely described in the Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on November 1, 2005; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the Metropolitan Council for one or more of the above-reference projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/21/05.

Approved by Mayor Rybak 10/21/05.

Resolution 2005R-573, authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant Program for various projects, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-573
By Goodman & Johnson

Authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant Program for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the contamination clean up applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on November 1, 2005: 718 Washington Avenue North, Humboldt Industrial Park, and Washington Court Apartments; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are committed to the identified projects; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the DEED for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Department of Employment and Economic Development for Contamination Clean Up Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/21/05.

Approved by Mayor Rybak 10/21/05.

Resolution 2005R-574, authorizing application to the Hennepin County Environmental Response Fund for various projects, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-574
By Goodman & Johnson

Authorizing application to the Hennepin County Environmental Response Fund for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the Environmental Response Fund applications to be submitted to Hennepin County on November 1, 2005: 718 Washington Avenue North, 2626 Lake St. W., 38th & Nicollet, Franklin-Portland Gateway Phases III (Wellstone) and IV (Site C), Humboldt Industrial Park, Washington Court Apartments, American Indian Center, and NRRC-1401 Plymouth Av N; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with Hennepin County for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved By The City Council of the City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Hennepin County Environmental Response Fund for funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/21/05.

Approved by Mayor Rybak 10/21/05.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee, having under consideration the "Steps to a Healthier Minneapolis" Project, now recommends that the proper City Officers be authorized to accept \$712,500 and execute a contract with the Minnesota Department of Health to receive the second year of funding to address and target populations in the City that have the greatest need or are most vulnerable to diabetes, obesity and asthma. Further, passage of the accompanying resolution appropriating \$712,500 to the Department of Health & Family Support.

Adopted 10/21/05.

RESOLUTION 2005R-575
By Johnson Lee and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8615) by \$712,500 and increasing the Revenue Source (030-860-8615 - Source 3210) by \$712,500.

Adopted 10/21/05.

H&HS & W&M/Budget - Your Committee, having received a grant from the Robert Wood Johnson Foundation for the Covering All Kids Project at the New Family Center, now recommends that the proper City Officers be authorized to extend the termination date for use of the grant funds from August to December, for a new project period of September 1, 2003 to December 31, 2005.

Adopted 10/21/05.

H&HS & W&M/Budget - Your Committee recommends that the Department of Health & Family Support be authorized to hire Laura Eiklenborg at Step 5.5 of the salary schedule for Family Support Specialist III - Regional Preparedness Coordinator.

Adopted 10/21/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, allowing malt beverages to be served outside, in their original containers, until 11:00 p.m., now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/21/05.

Ordinance 2005-Or-095 amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, amending Section 360.100(k) to allow malt beverages to be served outside, in their original containers, until 11:00 p.m., was adopted 10/21/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-095
By Niziolek
Intro & 1st Reading: 9/23/05
Ref to: PS&RS
2nd Reading: 10/21/05

Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 360.100 (k) of the above-entitled ordinance be amended to read as follows:

360.100. Regulation of outdoor areas in on-sale liquor, wine, and beer establishments. The following regulations shall apply to all outdoor areas in on-sale liquor, wine, and beer establishments, including establishments holding sidewalk cafe permits:

(k) In any on-sale liquor, wine, and beer establishment where the licensee has city council approval to operate an outdoor area, and which is located within the Central Commercial District, as defined in section 360.10, the licensee is prohibited from serving any alcoholic malt beverage or non-alcoholic beverage in an original container manufactured from glass after 9:00 p.m. 11:00 p.m. In addition to the prohibition on serving alcoholic malt beverages or non-alcoholic beverages in original containers manufactured from glass, the licensee shall not allow patrons to carry such beverage containers from an indoor area into an outdoor area.

Adopted 10/21/05.

PS&RS - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances repealing current fire suppression equipment fees; and establishing new permit fees, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Title 5, Chapter 91 relating to *Building Code: Permit Fees*, repealing *Article XII, Fire Suppression Equipment Fees*.

b. Title 9, Chapter 174 relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau*, adding a new *Article III, Fire Protection Systems Permit Fees*.

Niziolek moved to amend Section 174.310 (c) of the ordinance to change the second sentence by adding the following language after the word "public": "including posting to the city's designated Internet site(s)." Seconded.

Adopted upon a voice vote.

The report was adopted 10/21/05.

Ordinance 2005-Or-096 amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, repealing Article XII entitled *Fire Suppression Equipment Fees*, was adopted 10/21/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-096
By Niziolek
Intro & 1st Reading: 9/23/05
Ref to: PS&RS
2nd Reading: 10/21/05

Amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to the Building Code: Permit Fees.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Article XII of the above-entitled ordinance be and is hereby repealed:

ARTICLE XII. FIRE SUPPRESSION EQUIPMENT FEES

91.800. Fees required. The director of inspections, before issuing any permit for the installation of any fire suppression sprinkler equipment, shall require the payment by the applicant for such permit of fees in the amounts herein provided. Further, no permit for the installation of any fire suppression sprinkler system shall be issued unless the applicant files with the fire prevention bureau a complete set of plans for such system approved by the chief of the fire prevention bureau.

91.810. Sprinkler permits. For the installation of sprinkler equipment, the permit fee charged shall be made at the rate of sixty dollars (\$60.00) for the first ten (10) sprinkler heads, or fraction thereof, plus twelve dollars and fifty cents (\$12.50) for each additional ten (10) sprinkler heads, or fraction thereof.

91.820. Standpipe permits. For the installation of any standpipe, the fee shall be eighty dollars (\$80.00) plus an additional fee of eight dollars and seventy-five cents (\$8.75) per floor served by such standpipe over five (5) floors.

91.830. Alteration permits. For the alteration, repair or extension of standpipe or sprinkler systems where the work is of such a nature that the permit charge cannot be determined by sections 91.810 and 91.820 above, the permit fee charge shall be made at the rate of twenty-one dollars and twenty-five cents (\$21.25) for each five hundred dollars (\$500.00), or fraction thereof, of the market value of such work.

Adopted 10/21/05.

Ordinance 2005-Or-097 amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau*, adding a new Article III entitled *Fire Protection Systems Permit Fees*, was adopted 10/21/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-097
By Niziolek
Intro & 1st Reading: 9/23/05
Ref to: PS&RS
2nd Reading: 10/21/05

Amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 174 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article III, including new Sections 174.300-174.330, to read as follows:

ARTICLE III. FIRE PROTECTION SYSTEMS PERMIT FEES

174.300. Definitions. *Fire marshal* is defined as the fire marshal of the City of Minneapolis, or any of the fire marshal's designees, from either the sworn or civilian service, charged with the administration

or enforcement of the Minnesota State Fire Code for the City of Minneapolis. The fire marshal's designees may include any sworn member of the Minneapolis Fire Department, regardless of rank or assignment.

Fire Protection Systems are those approved devices, equipment and systems or combinations of systems used to extinguish or control a fire, control, manage or suppress smoke and products of a fire or any combination thereof as defined in any currently-enacted and adopted edition of the Minnesota State Fire Code.

174.310. Required generally. (a) The fire marshal, before issuing, reviewing or processing any permit for the installation of any fire protection system, shall require the payment by the applicant for such permit of fees in the amounts herein provided. Further, no permit for the installation of any fire protection system shall be issued unless the applicant first files with the fire prevention bureau a complete set of plans for such system approved by the fire marshal.

(b) The valuation to be used in computing the permit and plan-check fees shall be the total contract cost of the proposed fire protection systems, including all associated equipment, materials and labor costs.

(c) The fire protection systems permit fee amounts herein established shall be effective January 1, 2006 and shall be subject to automatic annual adjustment each April first thereafter, commencing April 1, 2007, in a percentage equal to annual increases in the consumer price index (CPI) for the period ending December 31 of the preceding calendar year. Such adjusted fire protection systems permit fees shall be published and maintained by the fire marshal in a fee schedule made readily available to the public, including posting to the city's designated Internet site(s), at least thirty (30) days prior to initially taking effect or thereafter being adjusted. The council shall approve the initial fee schedule to be effective January 1, 2006. The fire protection systems permit fees shall be based on the following valuation categories, rounded to the nearest whole dollar:

Valuation categories

\$1.00 to \$1,200.00

\$1,201.00 to \$2,000.00

\$2,001.00 to \$25,000.00

\$25,001.00 to \$50,000.00

\$50,001.00 to \$100,000.00

\$100,001.00 to \$500,000.00

\$500,001.00 to \$1,000,000.00

\$1,000,001.00 and up

174.320. Plan-checking fees. Whenever plans are required to be submitted for a proposed fire protection system, a plan-checking fee shall be paid to the fire marshal at the time of submitting plans and specifications for checking. Said plan-checking fees for all buildings shall be sixty-five (65) percent of the fire protection system permit fee as established in section 174.310.

Where plans are incomplete, or changed so as to require resubmission or additional plan review and checking, an additional plan-check fee shall be charged at a rate of \$50.00 per hour.

174.330. Miscellaneous fire protection systems fees. (a) A flat fee of \$500.00, including plan review, may be charged by the fire marshal for the replacement of existing fire pumps or the addition of new pumps to a new or existing fire protection system.

(b) No fee shall be charged by the fire marshal for sprinkler recall replacement.

(c) A fee in the amount of \$50.00 per hour, with a minimum charge for four (4) hours, shall be charged by the fire marshal for any inspection of a fire protection system requested or required to take place outside of normal operating hours or on weekends or holidays.

(d) Any person doing fire protection systems work in a manner so as to require additional inspections over and above the normal inspections required by the Minnesota State Fire Code and its amendments, shall be required to pay a re-inspection fee in the amount of \$200.00 for each and every additional inspection required to be made until all such work is found to be in compliance with the applicable code.

Adopted 10/21/05.

PS&RS - Your Committee, having under consideration the All Night Special Food License held by Midwest Latino Entertainment & Talent, Inc, dba El Nuevo Rodeo Nightclub and La Quebradita Restaurant, 2709 E Lake St, and having received a request by the Licenses & Consumer Services

Division to conduct a License Hearing to consider taking adverse action relating to said license after receiving complaints regarding significant neighborhood disturbances that could reasonably be related to the license, now recommends that the matter be referred to the Office of Administrative Hearings in order for a hearing to be held before an Administrative Law Judge.

Adopted 10/21/05.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 10/21/05.

Resolution 2005R-576, granting applications for Liquor, Wine and Beer Licenses, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-576

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2005

Sega Entertainment USA Inc, dba Gameworks, 600 Hennepin Av #110 (change in ownership)

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2006

Library IV Ltd LLP, dba Library Minneapolis (The), 1301 4th St SE (change in owner from Medich Enterprises Inc)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2005

Loon Cafe Inc, dba Loon Cafe, 500 1st Av N (new shareholder/partner, new corporate officer and new manager)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2006

Old School BBQ Inc, dba Famous Daves, 4264 Upton Av S (new shareholder/partner and corporate officer)

Off-Sale Beer, to expire April 1, 2006

Memo Inc, dba 4th St Market, 805 4th St SE (new proprietor)

Lela Inc, dba Lyndale Grocery & Deli, 2551 Lyndale Av S (new proprietor)

Temporary On-Sale Beer

Midwest Mountaineering Inc, dba Midwest Mountaineering, 309 Cedar Av S (Outdoor Adventure Expo November 10, 5:00 p.m. to 9:00 p.m.; November 11, 4:00 p.m. to 9:00 p.m.; November 12, 9:00 a.m. to 6:00 p.m.; and November 13, 2005, 11:00 a.m. to 5:00 p.m.).

Adopted 10/21/05.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 10/21/05.

Resolution 2005R-577, granting applications for Business Licenses, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-577

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 21, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 270734):

Place of Amusement Class A; Place of Amusement Class B-1; Place of Amusement Class B-2; Check Cashing; Dry Cleaner - Nonflammable; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Grocery; Food Manufacturer; Food Market Manufacturer; Restaurant; Sidewalk Cafe; Vending Machine; Fuel Dealer; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class A; Towing Class B; Towing Class C; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Pet Shop; Plumber; Refrigeration Systems Installer; Antique Dealer Class B; Exhibition Operator Class C; Skating Rink - Ice, Roller; Solid Waste Hauler; Suntanning Facility; Tattooist/Body Piercer; Taxicab Vehicle Limited; Taxicab Vehicle; Medical Contract Carrier; Theater Zone I; Tobacco Dealer; and Combined Trades.

Adopted 10/21/05.

PS&RS - Your Committee recommends that the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Lawful Exempt

Our Lady of Victory Catholic Church, dba Our Lady of Victory Catholic Church, 5155 Emerson Av N (Raffle October 30, 2005 at Parish Hall)

Emerson Silc, dba Emerson Silc, 1421 Spruce Pl (Raffle November 3, 2005).

Adopted 10/21/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals from institutions qualified to provide various credit-based firefighter training programs for employees of the Minneapolis Fire Department. (Petr No 270736)

Adopted 10/21/05.

PS&RS & W&M/Budget - Your Committee recommends that report passed July 22, 2005 relating to a contract with Spec Rescue International for structural collapse rescue firefighting training programs be amended to add a second Structural Collapse Technician class; and that said contract be amended to increase the amount by \$49,750, for a new total amount not to exceed \$136,000, all in accordance with City specifications.

Adopted 10/21/05.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept up to \$75,891 and execute a grant agreement with the Greater Minneapolis Council of Churches to support the salary costs of two part-time Crime Prevention Specialists to work with the GMCC and its members to improve neighborhood livability by reducing recidivism for ex-offenders, chronic offenders and youth on probation. The Police Department will pay the fringe benefits for said positions. Further, passage of the accompanying Resolution appropriating \$75,120 to the Police Department.

Niziolek moved to amend the report by deleting the language "two part-time" and inserting in lieu thereof "one full-time and one part-time". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/21/05.

RESOLUTION 2005R-578
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-P400) by \$75,120 and increasing the Revenue Source (060-400-P400 - Source 3720) by \$75,120.

Adopted 10/21/05.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a Speed Limit Enforcement Grant award of \$3,000 and execute a one-year grant agreement with the Minnesota Department of Public Safety, State Patrol Division, to reimburse overtime costs to police officers for increased enforcement targeting speed violations and other enforcement to reduce accidents. Further, passage of the accompanying resolution appropriating \$3,000 to the Police Department.

Adopted 10/21/05.

RESOLUTION 2005R-579
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT13) by \$3,000 and increasing the Revenue Source (030-400-DT13 - Source 3215) by \$3,000.

Adopted 10/21/05.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a two-year contract with Hennepin County to continue providing Detox Van services in Minneapolis for calendar years 2006 through 2008. Said contract will make payment of \$170,000 for 2006, with the payment for 2007 and 2008 to be determined at a future date as an amendment to the contract.

Adopted 10/21/05.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute contracts with Fairbault Harley-Davidson to provide the Police Department with 11 police-equipped motorcycles for Patrol, for an estimated total amount of \$4,811.

Adopted 10/21/05.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute an agreement with the Mississippi Watershed Management Organization (MWMO) to develop a water monitoring program that will identify baseline chemical, physical and biological parameters discharging from a watershed-wide storm drainage system, and to detect illicit discharges entering into water bodies in the City. Said contract provides a partnership for up to 10 years whereby some existing City monitoring equipment could be used by the MWMO in exchange for annually funding up to \$10,000 of City related costs for investigation of illicit discharges.

Adopted 10/21/05.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration passage of the accompanying Resolution adopting the assessments, levying the assessments, and adopting the assessment rolls for the repair and construction of public sidewalks, as set forth in Petn. No. 270740 on file in the office of the City Clerk, and having held a public hearing thereon, now recommends that said Resolution be **sent forward without recommendation**.

Colvin Roy moved to substitute a new resolution for the above-mentioned resolution and to amend the report by deleting the language, "sent forward without recommendation," and inserting in lieu thereof, "approved". Seconded.

Adopted upon a voice vote.

The report, as amended, with the substitute resolution, was adopted 10/21/05.

Resolution 2005R-580, adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 270740, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-580
By Colvin Roy

Adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 270740.

Whereas, a public hearing was held on October 11, 2005 in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessment for the property identified as 1085 - 23rd Av SE, Property ID 19-029-23-21-0034, in the amount of \$874.68 be collected in ten (10) successive equal annual principal installments beginning on the 2006 real estate tax statement with interest.

That the proposed assessment for the property identified as 5317 15th Av S, Property ID 14-028-24-43-0043, be reduced by \$85.47, from \$375.03 to \$289.56.

That the proposed assessment for the property identified as 510 4th St SE, Property ID 23-029-24-14-0097, be reduced by \$150.00, from \$514.24 to \$364.24.

That the proposed assessments against the affected properties on the list dated September 15, 2005 set forth in Petn No 270740 in the total amount of \$1,084,409.89, and as shown on the proposed assessment rolls on file in the office of the City Clerk, be revised to \$1,084,174.42 as a result of the above reduction, be and hereby are adopted and levied.

Be It Further Resolved that the assessments of more than \$1500 be collected in ten (10) successive equal annual principal installments beginning on the 2006 real estate tax statements with interest.

Be It Further Resolved that the assessments of more than \$150 up to \$1500 be collected in five (5) successive equal annual principal installments beginning on the 2006 real estate tax statements with interest.

Be It Further Resolved that the assessments of \$150 or less be collected in one (1) installment on the 2006 real estate tax statements with interest.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 10/21/05.

T&PW - Your Committee recommends that the proper City officers be authorized to accept a grant of \$9,300 from Minnesota Environmental Initiative to cover all costs associated with the installation of oxidation catalytic mufflers on eight City of Minneapolis diesel trucks.

Adopted 10/21/05.

T&PW – Your Committee recommends that the proper City officers be authorized to execute Amendment No. 2 to Contract No. C-19903 with Securitas Corporation, increasing the contract in the amount of \$275,000, in order to extend armed security guard services at the Minneapolis Water Works Facility through December 31, 2005. No additional appropriation required.

Adopted 10/21/05.

T&PW - Your Committee recommends passage of the accompanying Resolution adopting the assessment rolls for service charges to be imposed for collection in 2006 in the Downtown Special Service District for the New Nicollet Mall Reconstruction Project (Washington Av S to 11th St S).

Adopted 10/21/05.

Resolution 2005R-581, adopting the assessment roll for service charges to be imposed for collection in 2006 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-581
By Colvin Roy

Adopting the assessment roll for service charges to be imposed for collection in 2006 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project.

Whereas, Resolution 89R-412, passed September 29, 1989, established the annual amount of service charges to be charged to properties in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project to be \$888,191; and

Whereas, the annual amount of the service charges for payable 1990, 1991, 1992, and 1993 was \$888,191; and

Whereas, refunding bonds were issued in July 1993 for the New Nicollet Mall Reconstruction Project with the annual amount of service charges to the district being reduced for payable 1994, 1995, and 1996 to \$680,000, said reduced annual amount reflecting the allocated share of the interest savings generated by the said funding bonds, all as recited in Resolution 93R-430, passed November 12, 1993; and

Whereas, the annual amount of the service charges for payable 1997 through payable 2009 inclusive is to be restored to \$888,191; and

Whereas, the service charges have to be certified to the Hennepin County Auditor on an annual basis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the assessment roll listing the service charges in the amount of \$888,191 to be imposed for collection in 2006 and the affected properties as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 10/21/05.

T&PW - Your Committee recommends that the proper City officers be authorized to enter into an agreement with Redflex Traffic Systems, Inc. to provide Gopher State One-Call locating services for the facilities installed by Redflex Traffic Systems in conjunction with the Stop On Red project throughout

Minneapolis. The cost of providing said service will be recovered through the agreement, which will be reviewed and renewed annually.

Adopted 10/21/05.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Riverfront (Guthrie) Municipal Ramp construction, now recommends that the proper City officers be directed to execute Change Orders 1 through 4, increasing Contract No. C-19528 with the Guthrie Theater Foundation by \$184,465, for a revised contract total of \$24,534,465, to allow for construction contingencies provided for in the original project budget.

Adopted 10/21/05.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into an agreement with Hennepin County (PW 35-20-05), in the amount of \$23,477.80, for the installation of overhead traffic signal indications by City forces at the intersections of Portland Av S and Minnehaha Pkwy.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation and revenue for the project by \$24,000, to be reimbursed by County State Aid Funds.

Adopted 10/21/05.

RESOLUTION 2005R-582
By Colvin Roy and Johnson

Amending The 2005 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440-TR507050) by \$24,000 and increasing the revenue source (4100-943-9440-3220) by \$24,000, to be reimbursed by County State Aid Funds.

Adopted 10/21/05.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into an agreement with Hennepin County (PW 40-20-05), in the amount of \$126,394.97, for the installation of overhead traffic signal indications by City forces at the following intersections:

Cedar Av S and E 42nd St;

Cedar Av S and E 46th St; and

Penn Av S and Cedar Lake Road.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation and revenue for the project by \$20,000, to be reimbursed by County State Aid Funds.

Adopted 10/21/05.

RESOLUTION 2005R-583
By Colvin Roy and Johnson

Amending The 2005 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440-TR507050) by \$20,000 and increasing the revenue source (4100-943-9440-3220) by \$20,000, to be reimbursed by County State Aid Funds.

Adopted 10/21/05.

T&PW & W&M/Budget - Your Committee, having under consideration Water Treatment Plant Residual Lagoon 8, now recommends that the proper City officers be authorized to execute Change Orders 1 and 2 increasing Contract C-21391 (OP 6364) with Landwehr Construction, Inc. in the amount of \$148,497.30, for a revised contract total of \$2,034,222.30, to provide for field modifications and the installation of new influent piping.

Adopted 10/21/05.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving bids submitted to the Public Works Department, all in accordance with City specifications (Petr No. 270741).

Adopted 10/21/05.

Resolution 2005R-584, granting approval of the bids for a) E-85 and E-70 gasohol, and b) mechanical upgrades at various Fire Department locations, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-584
By Colvin Roy and Johnson

Granting approval of the bids for projects and/or services for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications, and contingent upon approval of the Civil Rights Department. (Petr No 270741)

a) OP #6487, Accept bid of Yocum Oil Company, Inc. for an estimated expenditure of \$125,000, to furnish and deliver E-85 and E-70 gasohol to the Public Works Equipment Service Division; and

b) OP #6501, Accept low bid of Northern Air Corporation, Inc., in the amount of \$999,300, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the mechanical upgrades at various Fire Department locations for Public Works Property Services.

Adopted 10/21/05.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 10/21/05.

Resolution 2005R-585, authorizing settlement of the legal claims of Eddie Lee, Xee Vang and Yue Yang, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-585
By Johnson

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of:

a) Eddie Lee, by payment of \$8,750 to Mr. Eddie Lee and his attorney, Wayne Studard; and

b) Xee Vang and Yue Yang, by payment of \$15,000 to Xee Vang and Yue Yang and their attorney, Joe Rivard.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 10/21/05.

W&M/Budget - Your Committee recommends authorizing partial settlement by accepting payment of \$30,000 from Knutson Construction Services to the City of Minneapolis as damages for alleged defective work at the Currie Maintenance Facility.

Your Committee further recommends that the proper City officers, by and through the law firm of Kennedy & Graven, be authorized to execute any documents necessary to effectuate said settlements.

Adopted 10/21/05.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the New Central Library Public Art Subcommittee that the proper City officers be authorized to execute a contract with Ta-coumba Tyrone Aiken for fabrication and installation of an artwork above the 4th floor fireplace, for a total contract amount not to exceed \$35,000.

Adopted 10/21/05.

Approved by Mayor Rybak 10/21/05.

(Published 10/25/05)

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 10/21/05.

Approved by Mayor Rybak 10/21/05.

(Published 10/25/05)

Resolution 2005R-586, approving construction change orders for contracts related to the New Central Library Project, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-586

By Johnson

Approving Change Orders for the New Central Library Project.

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

a) Change Order No. 3 increasing Contract Number C-20133 with HKL Cladding Systems, Inc. by \$14,752;

b) Change Order No. 6 increasing Contract Number C-20306 with LeJeune Steel Company by \$18,421; and

c) Change Order No. 8 increasing Contract Number C-20481 with PCL Construction Services, Inc. by \$488,693.

Adopted 10/21/05.

Approved by Mayor Rybak 10/21/05.

W&M/Budget - Your Committee recommends approval of the November 2005 utility billing insert on behalf of the Public Works Field Services providing information about 348-SNOW and language Snow Hotlines, and messages about clearing snow from sidewalks and around garbage and recycling containers.

Adopted 10/21/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into contract with MedEvent, Inc. for providing exclusive emergency medical services for specific events at the Minneapolis Convention Center, effective January 1, 2006, at an estimated annual cost of \$100,000, payable from the Convention Center Operations Fund and Agency (0760-MCC).

Adopted 10/21/05.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Emergency Communications Department that the proper City officers be authorized to offer Step D of the Assistant Director, 311 Call Center salary schedules to the finalist, Donald Stickney, as set forth in Petn No 270747 on file in the Office of the City Clerk.

Adopted 10/21/05.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing amendment of the Standby Bond Purchase Agreements between the City of Minneapolis, the Bank of New York Trust Company, N.A., and Dexia Credit Local amending the terms of the agreement that provides liquidity facilities for the City's variable rate bonds as outlined in Petn No. 270748.

Adopted 10/21/05.

Resolution 2005R-587, authorizing amendment to the Standby Bond Purchase Agreements between the City of Minneapolis, the Bank of New York Trust Company, N.A., and Dexia Credit Local, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-587

By Johnson

Relating to the amendment of various Standby Bond Purchase Agreements between the City of Minneapolis, the Bank of New York Trust Company, N.A., and Dexia Credit Local and authorizing the City Finance Officer to execute such Agreements.

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis (the "City") has previously entered into various Standby Bond Purchase Agreements, dated on or after July 1, 2003 (the "Agreements"), between the City, Dexia Credit Local, and the Bank of New York Trust Company, N.A. (as successor to Marshall & Ilsley Trust Company N.A.), which act as liquidity facilities for the City's outstanding general obligation bonds that were issued at variable interest rates.

That the City Council has been presented with various First Amendments to Standby Bond Purchase Agreements, dated October 31, 2005 (the "Amendment Agreements"), between the City, Dexia Credit Local, and the Bank of New York Trust Company, N.A. which amend the Agreements to extend the termination dates of the Agreements, decrease the annual fees paid by the City in connection with the Agreements, and clarify ambiguous language in the Agreements. The City Council hereby finds and determines that the decrease in annual fees related to the Agreements delineated in the Amendment Agreements will create significant cost savings for the City.

That the forms of the Amendment Agreements currently on file with the City are hereby approved, and the Finance Officer of the City is authorized to execute and deliver all of the Amendment Agreements in substantially the forms on file, with such changes therein not inconsistent with applicable law, as the Finance Officer may approve, which approval shall be conclusively evidenced by the execution thereof.

That all of the Amendment Agreements shall be deemed to be the agreements of the City to the full extent authorized or permitted by law, and all such agreements shall be binding on the City and enforceable in accordance with their terms. No agreement referenced in this resolution shall be deemed

to be an agreement of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Amendment Agreements shall be liable personally or be subject to any personal liability or accountability by reason of the execution of the Amendment Agreements.

That if for any reason the Finance Officer or any other officers, employees, or agents of the City authorized to execute written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any written document, such fact shall not affect the validity or enforceability of such written document. If for any reason the Finance Officer or any other officers, employees, or agents of the City authorized to execute written documents on behalf of the City shall be unavailable to execute such written documents for any reason, such written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

That this Resolution shall take effect and be in force from and after its approval and publication.

Adopted 10/21/05.

W&M/Budget - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals (RFP) for a vendor to provide a cardiopulmonary exercise test program, treadmill services, and evaluation services for the Minneapolis Police Department.

Adopted 10/21/05.

W&M/Budget - Your Committee, having under consideration a request from the Minneapolis Park and Recreation Board for an increase of \$500,000 in the special assessment bond sale for diseased tree removal, now recommends passage of the accompanying Resolutions:

- a) Amending the 2005-2009 Five Year Capital Program increasing the amount of the Park Boards Diseased Tree Removal Program by \$500,000, for a new program amount of \$1,000,000; and
- b) Amending Resolution 2004R-581, requesting the Board of Estimate and Taxation to sell an additional amount of assessment bonds in the amount of \$500,000 for the Diseased Tree Removal Program.

Adopted 10/21/05.

Resolution 2005R-588, requesting the City Council to amend the 2005 Capital Improvement Appropriation Resolution to increase the appropriation for the Park Boards Diseased Tree Removal Program; and Resolution 2005R-589, amending Resolution 2004R-581 to request that the Board of Estimate and Taxation increase the amount of bonds to be sold for the Diseased Tree Removal Program, were adopted 10/21/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-588

By Johnson

Amending The 2005 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the amount of the Diseased Tree Removal Program (3700-910-9140 PRKDT) by \$500,000.

Adopted 10/21/05.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-589

By Johnson

Amending Resolution 2004R-581 entitled, "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$500,000 for certain purposes other than the purchase of public utilities," passed December 13, 2004.

Resolved by The City Council of The City of Minneapolis:

That the above entitled Resolution be amended to increase the request to the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis bonds from \$500,000 to \$1,000,000, the proceeds of which are to be used for diseased tree removal.

Adopted 10/21/05.

W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to *Administration: In General*, by repealing Section 14.180 and by adding a new section 14.180 entitled *Community Engagement through city boards, commissions, committees, task forces or similar organizations*, and having held a public hearing, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/21/05.

Ordinance 2005-Or-098, amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to *Administration: In General*, (by repealing Section 14.4180 and by adding a new section 14.180 entitled *Community Engagement through city boards, commissions, committees, task forces or similar organizations*), was adopted 10/21/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-098

By Johnson

Intro & 1st Reading: 10/7/05

Ref to: W&M/Budget

2nd Reading: 10/21/05

Amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to Administration: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 14.180 of the above entitled ordinance be and is hereby repealed.

14.180. ~~Model citizen participation procedure to be followed by all city appointing authorities in creating and making citizen appointments to boards, commissions, committees, task forces or similar organizations.~~ (a) When creating such organizations, the city council and the mayor shall, and all other appointing authorities are encouraged to, expressly state:

- (1) The name and purpose of the organization.
- (2) If the organization is not subject to the open appointments process.
- (3) How original and succeeding members will be appointed or elected, and any special qualifications necessary or desirable in order to be a member.
- (4) If a public hearing is required for prospective appointees.
- (5) The total number of members.
- (6) The term of office of each member, including the day, month and year the term expires.
- (7) How the chairperson and other officers will be selected.

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- (8) The city department or division that will assist the organization.
 - (9) The budget for the organization, if any.
 - (10) The frequency of reporting and a date when a final report, if any, will be due.
 - (11) Whether members will receive compensation or privileges.
 - (12) If working or residing in Minneapolis is required.
 - (13) Any meeting attendance requirements to retain membership.
 - (14) Limitations on reappointment, if any.
 - (15) When the organization will cease to exist (sunset provision) if applicable.
 - (b) Citizens may nominate themselves or other persons, as candidates for any citizen position on city-sponsored organizations to be filled by city authorities.
 - (c) The appropriate city staff shall after the creation of a new organization, and at least thirty (30) days before the appointing authority makes any appointments to it, send a written notice to the city clerk containing all of the information required in subsection (a) of this section. In the case of the organization of a nonprofit corporation created under Minnesota Statutes Chapter 317, creation shall mean the effective date on which the requirements of Minneapolis City Charter Chapter 3, Section 1, are complied with.
 - (d) The city clerk shall notify the city council, mayor and appropriate city staff ninety (90) days prior to expiration of a term or whenever a vacancy is certain to occur, or when the city clerk receives a letter of resignation from the incumbent or a letter from the chair of the organization pursuant to 14.180(K) of this code. For an existing city-sponsored organization for which an appointment is required, the organization shall prepare a notice of vacancy which shall include a brief description of the position, the term of office to be filled, and other information as required by subsection (a) relevant to the vacancy. The notice shall be sent to the city clerk. Where the vacancy is on a non-city-sponsored organization to which city authorities make appointments, such notice shall be prepared by the city clerk. A minimum of three (3) weeks' time shall be allowed for the filing of applications and a reasonable time for the consideration of any applications. Incumbents seeking reappointment need only to update their address, phone and employer. Original application forms will be maintained by the city clerk in accordance with the retention schedule approved by the State of Minnesota. If it is the intent of the appointing authority to nominate all incumbents, no notice of vacancy is necessary. If there are additional vacancies within nine (9) months after closing the original application process, the appointing authority(s) may fill the vacancies from among the original applicants without reopening the process.
 - (e) Whenever there is a vacancy on a newly created or existing board, commission, committee, task force or similar organization the city clerk shall:
 - (1) Send the notice of the vacancy to telecommunications for cable television transmission and to public affairs for subsequent mailing to registered neighborhood and community organizations, appropriate news media and all interested parties and encourage the free advertisement of such vacancy by a newspaper of general circulation within the city, all known community and other newspapers with substantial circulation, and news media designed to reach protected classes.
 - (2) Prepare and distribute to interested parties an application form which all candidates for vacant positions must complete. The form shall contain a notice stating what is public data according to Minnesota Statutes, Chapter 13 (Government Data Practices Act).
 - (3) Receive all completed applications and forward them to the appointing authority or appropriate city staff at the close of the application period. Applicants wishing to withdraw from consideration during the selection process must submit a letter to the city clerk.
 - (f) The screening of all applications and selection processes used to make appointments shall be the sole responsibility of the appointing authority, taking into consideration the city's commitment to civil rights, affirmative action and geographic distribution wherever possible. If necessary to achieve greater geographical or protected class representation, the appointing authority may extend the application period or readvertise vacancies.
 - (g) If the appointing authority determines there are an insufficient number of qualified applicants for

- a vacancy, it may either reopen the process or suggest applicants who must file an application form prior to action by the city council.
- (h) Incumbents maintain their member status until a successor is appointed unless specifically precluded by the bylaws of the organization or city council action.
 - (i) The city clerk shall prepare and maintain a complete list of all city boards, commissions, committees, task forces or similar organizations and members thereof, based on information supplied in writing by the creating and appointing authorities.
 - (j) The proper city council committee shall periodically, but at least once every four (4) years, review all appointed city boards, commissions, task forces, committees and other similar organizations and evaluate their effectiveness. To assist the city council in performing this function, every organization created by action of the city council, once each year shall prepare a report outlining the accomplishments of the organization. The organization shall keep on file any rules, written reports or minutes adopted by the organization.
 - (k) A vacancy shall be deemed to exist in an organization when:
 - (1) A member of any such organization has failed to comply with the duties and obligations required by the Charter, articles of incorporation, bylaws or other organizational laws, rules or regulations of such organization.
 - (2) A member resigns or dies.
 - (3) A member has three (3) unexcused absences from regular meetings in a calendar year. A member intending to be absent from a regular meeting shall request of the chair to be excused prior to the meeting. The office of the city clerk will be immediately notified by the committee chair of any member not meeting the requirement of this section and a notice of vacancy will be issued. This shall apply to all organizations except as provided by laws, ordinances, article 7 incorporation or bylaws in effect prior to the adoption of this ordinance.
 - (l) Upon appointment, before assuming full member rights and responsibilities, all members are required to take an oath of office administered by the city clerk per the City Charter, Chapter 2, Section 18 and Minnesota Statutes 358.05.
 - (m) All appointments made under this section shall be made from persons who are residents of the City of Minneapolis. Continuing residence within the corporate limits of the City of Minneapolis shall be a condition of all appointees under this section to hold the office or position to which they were appointed. This residency requirement shall not apply to any appointed person until the term for which that person was appointed has expired, nor shall this requirement be imposed:
 - (1) When the appointment is by law or by practice and custom made by another organization or unit of government; or
 - (2) When the person otherwise eligible for appointment is an officer or director of a business or organization that pays property taxes to the City of Minneapolis; or
 - (3) When the appointment relates to a person whose knowledge or expertise provides a unique or special benefit to the board, commission, committee, task force or similar organization, if residency is waived by the city council. No appointment of a nonresident under this clause will become effective unless a waiver of residency has been approved by a majority vote of the city council.

Section 2. That Chapter 14 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 14.180 to read as follows:

14.180. Community Engagement through city boards, commissions, committees, task forces or similar organizations.

Principles: The city shall create and support organizations that enhance public involvement in the city's decision-making process and shall, whenever appropriate, use an open process to select members.

The city shall have a clear and easily accessible appointment system, available to all interested parties, and a recruitment process that ensures diversity of representation and ideas and takes into consideration the city's commitment to civil rights, affirmative action and geographic distribution wherever possible.

Responsibilities: The following shall have authority to develop procedures to carry out the administration of the open appointments process.

The city clerk shall administer the open appointments process, develop procedures and standards and assist departments with the creation of organizations and processing of appointments.

Departments are responsible for supporting organizations under their jurisdiction according to the standards established by the city clerk. This includes recruiting and coordinating appointments, staffing board meetings, evaluation of the boards accomplishments and record keeping.

The appointing authority is responsible for oversight of the recruiting and screening of applicants, selection processes used to make appointments evaluation and recognition of accomplishments.

(a) *Creation of city boards, commissions, committees, task forces or similar organizations:* When creating such organizations, the city council and the mayor shall state:

- (1) The name, purpose and total number and type of members of the organization.
- (2) The city department or division that will assist the organization.
- (3) The budget for the organization, if any.
- (4) Reporting requirements and a date when a final report, if any, will be due.
- (5) When the organization will cease to exist (sunset provision) if applicable.
- (6) How the chairperson and other officers will be selected.
- (7) Whether members will receive compensation or privileges.
- (8) Any meeting attendance requirements to retain membership.
- (9) Limitations on reappointment, if any.
- (10) The appointments process to be followed: open appointments or other method.
- (11) Who appoints or designates original and succeeding members.
- (12) What special membership qualifications are necessary or desirable.
- (13) Whether exemptions to the residency requirement are necessary.
- (14) If a public hearing is required for prospective appointees.
- (15) The term of office of each member, including the day, month and year the term expires.

(b) *Open appointments process for city boards, commissions, committees, task forces or similar organization:*

- (1) *Application Process*
 - a. A minimum of three (3) weeks time shall be allowed for the filing of applications and a reasonable time for the consideration of any applications.
 - b. Citizens may nominate themselves or other persons, as candidates.
 - c. Incumbents seeking reappointment need to complete a re-application form.
 - d. Incumbents maintain their member status until a successor is appointed unless specifically precluded by the bylaws of the organization or city council action.
 - e. If there are additional vacancies within twelve (12) months after closing the original application process, the appointing authority(s) may fill the vacancies from among the original applicants without reopening the process.
- (2) *Selection Process*
 - a. Applicants wishing to withdraw from consideration during the selection process must submit a letter to the city clerk.
 - b. Appointments must have council approval unless otherwise specified in the originating resolution.

- c. Upon appointment, before assuming full member rights and responsibilities, all members are required to sign an oath of office administered by the city clerk per the City Charter, Chapter 2, Section 18 and Minnesota Statutes 358.05.
- (3) *Extension of the Selection Process*
 - a. If necessary to achieve greater geographical or protected class representation, the appointing authority may extend the application period or re-advertise vacancies.
 - b. If the appointing authority determines there are an insufficient number of qualified applicants for a vacancy, it may either reopen the process or suggest applicants who must file an application form prior to action by the city council.
- (4) *Residency Requirement*: All appointments made under this section shall be made from persons who are residents of the City of Minneapolis. Continuing residence within the corporate limits of the City of Minneapolis shall be a condition of all appointees under this section to hold the office or position to which they were appointed.
Exemptions: No appointment of a nonresident under this clause will become effective unless a waiver of residency has been approved by a majority vote of the city council. The residency requirement may be waived when:
 - a. The appointment is by law or by practice and custom made by another organization or unit of government; or
 - b. The person otherwise eligible for appointment is an officer or director of a business or organization that pays property taxes to the City of Minneapolis; or
 - c. The appointment relates to a person whose knowledge or expertise provides a unique or special benefit to the board, commission, committee, task force or similar organization, if residency is waived by the city council.

Adopted 10/21/05.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Floyd Olson, for TNT Properties, LTD, from the decision of the Planning Commission denying applications for a) a conditional use permit to increase the maximum height of a principal structure from four stories to six stories and from 56 feet to 62 feet at 1626 E Lake St; b) a conditional use permit to allow a shopping center at 1626 E Lake St; c) a conditional use permit to allow a principal parking facility at 2940 S 17th Ave; d) a variance to reduce the north interior side yard setback from 5 feet to 3 feet to allow for a parking area at 2940 S 17th Ave; e) a variance to reduce the required front yard setback along 17th Ave from 12.5 feet to 7.5 feet to allow a parking area at 2940 S 17th Ave; f) a variance to reduce the minimum drive-aisle width from 22 feet to 20 feet to allow a parking area at 2940 S 17th Ave; g) a variance to reduce the minimum parking requirement from 189 to 12 spaces for a multi-tenant commercial building at 1626 E Lake St; h) a variance to increase the maximum floor area ratio from 2.7 to 4.61 at 1626 E Lake St; and i) site plan review to allow a multi-tenant commercial building at 1626 E Lake St with a parking facility at 2940 S 17th Ave, now recommends that said appeal be denied, and that the findings prepared by the Department of Planning & Economic Development staff be adopted.

Adopted 10/21/05.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Floyd Olson, for TNT Properties, LTD (BZZ-2537) to rezone properties at 1626 E Lake St and 2940 S 17th Ave from C1 to the C3A District to permit a multi-tenant commercial building and surface parking lot, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 10/21/05.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Mary Armstrong, for The Ackerberg Group (BZZ-2545) to rezone properties at 2930 and 2936

Emerson Ave S from C2 to the C3A District to permit a mixed-use development including 44 dwelling units and approximately 11,700 square feet of commercial space, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 10/21/05.

Ordinance 2005-Or-099 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2930 and 2936 Emerson Ave S to the C3A District, was adopted 10/21/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-099
By Schiff
1st & 2nd Readings: 10/21/05

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 3, lying north of a line described as beginning at a point on the East line of Lot 3, distant 12.68 feet north of the Southeast corner thereof, thence West parallel to the South line of Lot 3, a distance of 62 feet, thence North parallel to the East line of Lot 3, a distance of 1.72 feet, thence West to a point on the West line of Lot 3 distant 14.8 feet North of the Southwest corner thereof; also all of Lots 1 and 2, all in Block 27, Windom's Addition to Minneapolis; and That part of Lot 3 lying South of a line described as beginning at a point on the East line of Lot 3, distant 12.68 feet North of the Southeast corner thereof, thence West parallel to the South line of Lot 3 a distance of 62 feet, thence North parallel to the east line of Lot 3 a distance of 1.72 feet thence West to a point on the West line of Lot 3, distant 14.8 feet North of the Southwest corner thereof, also all of Lot 4, Block 27, Windom's Addition to Minneapolis. All according to the plat thereof on file and of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota (2930 and 2936 Emerson Ave S – Plate 24) to the C3A District.

Adopted 10/21/05.

Z&P - Your Committee concurs in the recommendation of the Planning Commission in granting the application of the City of Minneapolis (#1462a and #1462b) to a) vacate drainage and utility easements in the area bounded by Banneker Ave on the north, 11th Ave on the south and Humboldt Ave N on the west; and b) vacate drainage and utility easements in the area bounded by Van White Memorial Blvd, 11th Ave N and Fremont Ave N to permit single family and multiple family development in the second ownership phase of Heritage Park, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said easements.

Adopted 10/21/05.

Resolution 2005R-590, vacating utility easements to allow the redevelopment of property as part of the Heritage Park project (in the area bounded by Banneker Ave on the north, 11th Ave on the south and Humboldt Ave N on the west and in the area bounded by Van White Memorial Blvd, 11th Ave N and Fremont Ave N), was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-590

By Schiff

Vacating Utility Easements to allow the redevelopment of property as part of the Heritage Park project (No. 1462a & 1462b).

Resolved by The City Council of The City of Minneapolis:

That the following easements are hereby vacated:

The south 5.00 feet of Outlot E and the north 5.00 feet of Outlot F lying adjacent to the common line of said Outlot E and Outlot F as dedicated in the recorded plat of City of Minneapolis Heritage Park Plat 2, Hennepin County, Minnesota.

The east 10.00 feet of Outlot A as dedicated in the recorded plat of City of Minneapolis Heritage Park Plat 2, Hennepin County, Minnesota and the west 10.00 feet of Outlot D as dedicated in the recorded plat of City of Minneapolis Heritage Park, Hennepin County, Minnesota.

Adopted 10/21/05.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Jeff Sommers and Lara Hammel (BZZ-2584) to rezone the property at 3433 E 25th St and 2504 – 35th Ave S by adding the Industrial Living Overlay District to the existing I1 District to permit a single-family dwelling unit and artist studio and gallery, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 10/21/05.

Ordinance 2005-Or-100 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 3433 E 25th St and 2504 – 35th Ave S by adding the Industrial Living Overlay District to the existing I1 District, was adopted 10/21/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-100

By Schiff

1st & 2nd Readings: 10/21/05

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. Rgt the town of Falls City – Blks, Lot 003, Block 006, Lots 1 and 2 (3433 E 25th St and 2504 – 35th Ave S - Plate 22) by adding the Industrial Living Overlay District to the existing I1 District.

Adopted 10/21/05.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of David Barnhart (BZZ-2185) to rezone the properties at 2929 University Ave SE and 3000 SE 4th St by adding the Industrial Living Overlay District to the existing I1 District to permit a mixed-use

development including offices, a grocery store, warehousing, self-storage and minor auto repair businesses, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 10/21/05.

Ordinance 2005-Or-101 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2929 University Ave SE and 3000 SE 4th St by adding the Industrial Living Overlay District to the existing I1 District, was adopted 10/21/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-101
By Schiff
1st & 2nd Readings: 10/21/05

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. Lots 1, 2, 3 and 4, Geo. H. Watson's Addition, Minneapolis, MN, according to the recorded plat thereof, and situate in Hennepin County, MN (2929 University Ave SE and 3000 SE 4th St - Plate 22) by adding the Industrial Living Overlay District to the existing I1 District.

Adopted 10/21/05.

MOTIONS

Lilligren moved to approve the calendar for City Council meetings in 2006, as set forth in Petn No 270753. Seconded.

Adopted 10/21/05.

Benson moved to approve the Supplemental Truth in Taxation Notice for submission to Hennepin County, as set forth in Petn No 270754. Seconded.

Adopted 10/21/05.

Schiff introduced the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, which were given their first reading and referred to the Zoning & Planning Committee (to comprehensively examine and revise which uses are permitted or conditional in all zoning districts. The amendments may include revisions to definitions of selected uses as well as specific development standards for selected uses): Chapter 520 relating to *Introductory Provisions*; Chapter 536 relating to *Specific Development Standards*; Chapter 546 relating to *Residence Districts*; Chapter 547 relating to *Office Residence Districts*; Chapter 548 relating to *Commercial Districts*; Chapter 549 relating to *Downtown Districts*; Chapter 550 relating to *Industrial Districts*; Chapter 551 relating to *Overlay Districts*.

Schiff introduced the subject matter of an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, which was given its first reading and referred to the Zoning & Planning Committee (revising the size and type of obstructions allowed in required yards).

Niziolek moved to discharge the Public Safety & Regulatory Services Committee from further consideration of the Restaurant License application submitted by Java J's, 700 Washington Av N. Seconded.

Adopted upon a voice vote 10/21/05.

Approved by Mayor Rybak 10/21/05.

(Published 10/25/05)

Niziolek moved to amend the Licenses Petition on Page 40, #329, to grant the application of Java J's Inc, dba Java J's, 700 Washington Av N #100, for a Restaurant License (new business), to expire April 1, 2006. Seconded.

Adopted 10/21/05.

Approved by Mayor Rybak 10/21/05.

(Published 10/25/05)

RESOLUTION

Resolution 2005R-591, honoring Lorraine Teel for her 15 years of service to the Minnesota AIDS Project and the citizens of Minneapolis, was adopted 10/21/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-591

By Schiff, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Niziolek, Benson, Colvin Roy, Lane.

Honoring Lorraine Teel for her 15 years of service to the Minnesota AIDS Project and the citizens of Minneapolis.

Whereas, Lorraine Teel has provided leadership, both locally and nationally, in the fight to stop HIV; and

Whereas, due to her leadership, Minnesota AIDS Project has insured that communities at highest risk for HIV in Minnesota continue to benefit from innovative and effective HIV prevention services; and

Whereas, due to her leadership, Minnesotans living with HIV can reliably depend upon education and social services of high professional quality through the Minnesota AIDS Project; and

Whereas, all Minnesotans have benefited from the strong and capable advocacy and leadership provided by the Minnesota AIDS Project under Lorraine Teel's guidance. Her leadership has assured adoption of policies that expand effective education, ensure access to quality health and social services, promote fair treatment for those affected by HIV, and address the impact of HIV both in our state and throughout the world; and

Whereas, while listening to many community voices, she has always drawn upon the counsel of those living with HIV or at highest risk of infection for direction and motivation to set the course for Minnesota AIDS Project's fight to stop HIV; and

Whereas, Lorraine Teel's leadership has been key in building the Minnesota AIDS Project into an essential community resource with a reputation for sound stewardship, reliability and integrity; and

Whereas, Lorraine Teel has stepped up to the long-term challenge of creating the world free of AIDS that we all envision by serving as Executive Director of the Minnesota AIDS Project since 1990;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Friday, October 21st, 2005, be proclaimed as Lorraine Teel Day in the City of Minneapolis.

Adopted 10/21/05.

UNFINISHED BUSINESS

Z&P - Your Committee, having under consideration the appeal filed by Cedar Lake Revival LLC, from the decision of the Planning Commission which denied an application for a conditional use permit for a shopping center in existing buildings at 1825 E Lake St and 3005-3011 Cedar Ave S, now recommends that said appeal be denied, and that the related findings prepared by the Minneapolis Planning Commission be adopted.

Adopted 10/21/05. Yeas, 12; Nays none.

Declining to vote – Ostrow.

Comm Dev – Your Committee, having under consideration passage of the accompanying resolution granting preliminary and final approval of up to \$3,250,000 in tax-exempt Multifamily Housing Development Revenue Bonds for a project at 2100 Bloomington Av S, now recommends that said resolution be **sent forward without recommendation**.

Zimmermann moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/21/05.

Comm Dev – Your Committee, having under consideration a proposal of The Minnesota Opera Company to purchase and rehabilitate a former warehouse located at 749 Stinson Blvd NE and a request for revenue bond financing, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1.3 million in Bank Qualified Bank Direct 501(c)(3) Revenue Bonds for The Minnesota Opera Company.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

Goodman moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/21/05.

NEW BUSINESS

Niziolek introduced the following ordinances amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations*, which were given their first reading and referred to the Public Safety & Regulatory Services Committee (providing for administrative issuance of certain licenses): Chapter 259 relating to *In General*; Chapter 301 relating to *Laundries and Dry Cleaning Establishments*; Chapter 331 relating to *Sidewalk Flower Cart Vendors*; Chapter 341 relating to *Taxicabs*; Chapter 320 relating to *Vehicle Immobilization Service*; Chapter 339 relating to *Body Art Code*; Chapter 349 relating to *Wreckers and Tow Trucks*; Chapter 265 relating to *Special Permits for Specific Businesses and Uses*; Chapter 277 relating to *Building Trades Licenses*; Chapter 267 relating to *Amusements*; Chapter 278 relating to *Heating, Ventilating and Air Conditioning, Gasfitting, Oil Plumbers/Gas Fitter, Refrigeration and Steam and Hot Water Installers*; Chapter 299 relating to *Ice Sale and Manufacture*; Chapter 283 relating to *Courtesy Benches*; Chapter 289 relating to *Fire Extinguisher Sales and Service*; Chapter 279 relating to *Christmas Tree Dealers*; Chapter 287 relating to *Filling Stations and Bulk Oil Plants*; Chapter 296 relating to *Hospitals*.

Niziolek introduced the following ordinances amending Title 10 of the Minneapolis Code of Ordinances relating to *Food Code*, which were given their first reading and referred to the Public Safety & Regulatory Services Committee (providing for administrative issuance of certain licenses): Chapter 188 relating to *Administration and Licensing*; Chapter 200 relating to *Milk and Dairy Products*; Chapter 198 relating to *Soft Drink Manufacture and Storage*.

Niziolek introduced the following ordinances amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation*, which were given their first reading and referred to the Public Safety & Regulatory Services Committee (providing for administrative issuance of certain licenses): Chapter 225 relating to *Garbage and Refuse*; Chapter 231 relating to *Public Swimming Pool Code*.

Niziolek introduced an ordinance amending Title 4, Chapter 68 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Pet Shops, Kennels, Etc.*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (providing for administrative issuance of certain licenses).

Lilligren moved to adjourn. Seconded.
Adopted upon a voice vote 10/21/05.

Steven J. Ristuben,
Assistant City Clerk.

Unofficial Posting: 10/25/2005
Official Posting: 10/28/2005
Corrections: 11/02/2005